

In the Drawings

No amendments are made to the Drawings herein.

Remarks

Applicant respectfully submits that its disclosure is novel and not anticipated by either Bonutti or Branch because neither reference discloses each and every element of claims 1–11. The Applicant's invention contains a hollow guide sleeve through which a suture thread anchor can be passed, an annular face on the distal end of the sleeve, a single point that projects from the face, and a shoulder formed between the single point and face.

Bonutti is missing a single point that projects distally from the face, and a shoulder formed between the single point and face. Applicant respectfully submits that 112 is not a hollow guide sleeve through which a suture anchor can be passed. Rather 112 is a pusher member that is inserted in a hollow guide sleeve (column 5, lines 3–5). Pusher member 112 is missing a single point projecting from its face. Finally, pusher member 112 is missing a shoulder formed between the face and point because it does not contain a single point to form the shoulder with.

Hollow guide sleeve 82 is missing a single point projecting from its annular face. The face of hollow guide sleeve 82 is a flat surface, perpendicular to the longitudinal axis of the hollow guide sleeve. Further, the hollow guide sleeve 82 is missing a shoulder between the single point and face because it does not contain a single point to form the shoulder with.

Branch is missing a single point that projects distally from the face, and a shoulder formed between the single point and face. Branch discloses a hollow guide sleeve with at least three points projecting from the face. Every embodiment of Branch discloses two distally engaging members 42 and at least one flange 38 projecting from the face. Branch is also missing a shoulder formed between the point and the face. The two engaging members 42 and the flange 38 project directly from the annular face, rather than forming a shoulder with the face.

There is no motivation to combine Bonutti and Branch to arrive at Applicant's disclosure. There is no suggestion in Bonutti that the hollow guide sleeve can work with points projecting from its face. The guide sleeve in Bonutti is inserted into a recess in hard tissue. The recess extends past the face of the hollow guide sleeve, thus points projecting from the face would have no tissue to engage with. Bonutti already discloses a means of securing the hollow guide sleeve to the surgical site, teaching that the hollow guide sleeve is inserted into a circular recess that firmly engages the outside surface of the guide sleeve. Therefore there is no motivation to look to Branch for a means of securing the guide sleeve to the surgical site.

There is no suggestion in Branch that the hollow guide sleeve can work with a single projecting point, rather than two or three projecting points. In fact, Branch teaches that the hollow guide sleeve only works with three or more points projecting from its face. In Branch the distal end of the guide sleeve is secured between two vertebrae to create a guide for tools and implants during surgery. Branch teaches the guide sleeve needs three points to secure it to the surgical site; two points 42 are necessary to anchor the guide sleeve to each of the adjacent vertebrae, and that the third point 38 is necessary to provide predetermined spacing between the vertebrae.

Nonetheless, even if one were to make the combination of Bonutti and Branch they would not arrive at the claimed invention. One would likely get a hollow guide sleeve through which a suture can be passed with three or more points projecting from its face. Branch teaches that more than one projecting point is necessary to secure the hollow guide sleeve to the site of the implant, maintaining the position of the sleeve relative to the surgical site.


It is unlikely that one would modify Branch or Bonutti to use only a single point projecting from the annular face. Both references teach that the guide sleeve must be attached securely to the implant site, and that the degree of freedom of movement is limited. This requires multiple contact points to secure the instrument. However, the Applicant's

disclosure is directed to a device for introducing a suture anchor at a great many positions, including positions offset or titled in relationship to the hard tissue. The single point projecting distally from the hollow guide sleeve can be pushed into the tissue, creating a pivot point that allows a high degree of freedom to move, in particular to tilt the hollow guide sleeve, without risking sliding it away from the bone.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-11, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

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